REMARKS

This Amendment is filed in response to the Final Office Action dated Feb. 3, 2009 in connection with aRequest for Continued Examination and a Petition for Extension of Time. The Applicant respectfully requests reconsideration in light of the below discussion. All objections and rejections are respectfully traversed.

Claims 1, 4-11, 13-19, 22-29, 31-37, 40-47, and 49-60 are pending in the application.

Claims 1, 19, 37 and 57 have been amended.

No new claims have been added.

Double Patenting

At pages 2-3 of the Final Office Action, claims 4, 6, 22, 24, 40, and 42 were rejected on the grounds nonstatutory obviousness-type double patenting over claim 1 of U.S. Patent No. 6,687,750.

The Applicant respectfully notes that a terminal disclaimer was previously filed over U.S. Patent No. 6,687,750. Specifically, on March 27, 2008, the Applicant filed a terminal disclaimer over such patent. Further, according to PAIR records, on March 30, 2008 the terminal disclaimer was approved by the USPTO. Accordingly, the new double patenting rejection over U.S. Patent No. 6,687,750 appears to be inappropriate in light of the previously filed terminal disclaimer and the Applicant respectfully requests it be withdrawn.

Claim Rejections - 35 U.S.C. §103(a)

At pages 3-6 of the Final Office Action, claims 1, 5, 9, 13, 16, 19, 23, 27, 31, 34, 37, 41, 45, 49, 52 and 57-60 were rejected under 35 U.S.C. §103(a) over Rakoshitz et al., U.S. Patent No. 6,578,077 (hereinafter "Rakoshitz"), in view of Battat et al., U.S. Publication No. 2002/0013837 (hereinafter "Battat"), in further view of Manghirmalani et al., U.S. Patent No. 5,819,028 (hereinafter "Manghirmalani").

The Applicant's claim 57, representative in part of the other rejected claims, sets forth (emphasis added):

> 57. A method comprising:
>
> monitoring data traffic in a distributed computer network;
>
> storing records relating to the data traffic in one or more network information files;
>
> selecting a characteristic of the data traffic for display;
>
> extracting data from the network information files related to the selected characteristic for a plurality of time intervals within a larger time interval; and
>
> for each time interval within the larger time interval, generating a frame that visually depicts a map of the network topology of the distributed computer network, with nodes of the map representing network components, the nodes interconnected by lines that represent traffic flow between the network components, ***the frame to visually indicate a value of the characteristic of data traffic between two network components with the visual appearance of a line interconnecting the two nodes representing those two network components***; and
>
> playing a rapid succession of frames to a user to illustrate changes in the characteristic of the data traffic over the larger time interval, ***wherein changes in the visual appearance of the line interconnecting the two nodes in successive frames indicate changes in the value of the characteristic of the data traffic between the two network components***.

Rakoshitz discusses a traffic monitoring tool with a display having two portions. "[T]he first portion displays a graphical chart representing the flow of information. The second portion displays text information describing aspects of the flow of information." *See* Rakoshitz col. 2, lines 49-53. The graphical chart may be a line chart (*see* Rakoshitz Fig. 13, "line plot" 1304 and col. 20, lines 21-22), a bar chart, a pie chart, etc. (*see* Rakoshitz col. 20, lines 38-39). In the line plot embodiment (reproduced below) the vertical axis represents bandwidth and the horizontal axis represents time. *See* Rakoshitz col. 20, lines 18-22.

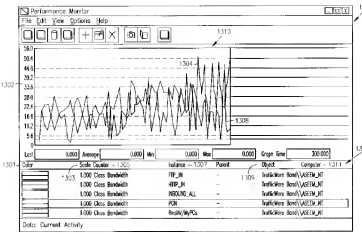

FIG. 13

Battat discusses a virtual reality environment for managing network components. "Photo-realistic" images of buildings, rooms, computers and internal components of computers are rendered. *See* Battat paragraphs 0109-0110. A user may selected a device with a "targeting reticule" to see a status of the device. *See* Battat paragraphs 0113-0114. "[N]etwork scenes" are displayed showing "computers and other devices attached to the opened segments." *See* Battat paragraph 0192 and Fig. 17 (reproduced below).

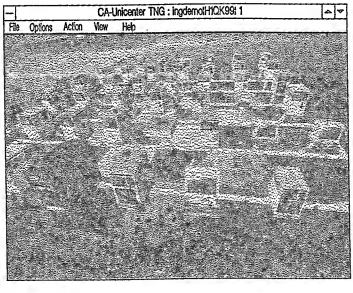

FIG. 17

Manghirmalani describes a "network management station [that] generates a representation of a computer networks functionality..." such as "health", load, error rate, etc. *See* Manghirmalani col. 3, lines 46-49 and col. 9, lines 19-27, 56-58. "[L]oad is displayed on a CRT computer monitor display on the network management station in forms of either a dial meter, graphical meter or digital meter. Fig. 6 [reproduced below] shows the load in a dial meter 600 ... An indicator 602 pivots about a point 603 and swings between endpoints 604 and 605. The left endpoint 604 corresponds to no load ... The right endpoint 605 corresponds to an extremely heavy load." *See* Manghirmalani col. 9, lines 28-37 and Fig. 6.

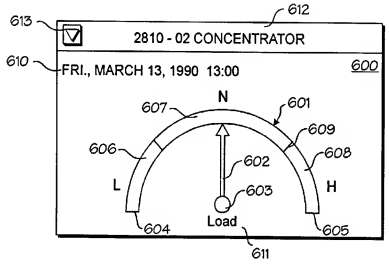

Fig. 6

Neither Rakoshitz, Battat nor Manghirmalani suggest the claimed "***the frame to visually indicate a value of the characteristic of data traffic between two network components with the visual appearance of a line interconnecting the two nodes representing those two network components***" and "***wherein changes in the visual appearance of the line interconnecting the two nodes in successive frames indicate changes in the value of the characteristic of the data traffic between the two network components***."

For each interval within a larger time interval, the Applicant generating a frame that visually indicates the value of a characteristic of data traffic between two network components. The frame indicates the characteristic of the data traffic between the two

network components with the visual appearance of a line interconnecting nodes in the frame representing those two network components. Changes in the visual appearance of the line interconnecting the two nodes in successive frames indicates changes in the value of the characteristic of the data traffic between the two network components.

Such technique may be understood by reference to an illustrative example. The Applicant respectfully directs the Examiner's attention to the example succession frames shown in Figs. 4A to 4D of the drawings. In the example frames, nodes 402, 404, 406, 408, 410 representing network components and are connected by lines (unlabeled). In Fig. 4B (reproduced below) a relatively thin width line interconnecting nodes visually illustrates less network traffic between those nodes at a first time.

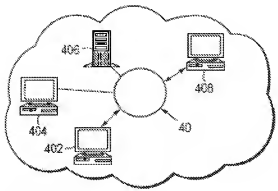

FIG. 4B

Yet in Fig 4C, a thicker width of the line interconnecting nodes visually indicates more network traffic between those nodes at a later time.

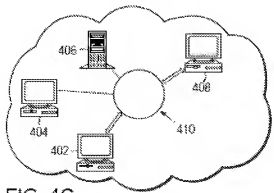

FIG. 4C

None of the references suggest this type of arrangement and functionality. Rakoshitz's line plot does not **visually indicate a value of the characteristic of data traffic between two network components with the visual appearance of a line interconnecting the two nodes representing those two network components**. The line in Rakoshitz's line plot does not connect nodes that represent components. Rather, the line is in Rakoshitz's line plot is simply displayed on a field with respect to horizontal and vertical accesses.

Similarly Battat's virtual reality environment does not **visually indicate a value of the characteristic of data traffic between two network components with the visual appearance of a line interconnecting the two nodes representing those two network components**. While a user of Battat's virtual reality environment can "pilot" through "network scenes" to see images of different devices (*see* paragraph 0030), a user must point to a node to "bring up a reticule that gives ... a brief summary of its status." *See* Battat paragraph 0114. The visual appearance of a line interconnecting two nodes does not tell one the value of a characteristic of data traffic between components these nodes represent.

Finally, Manghirmalani's dial meter does not **visually indicate a value of the characteristic of data traffic between two network components with the visual appearance of a line interconnecting the two nodes representing those two network components**. Manghirmalani dial meter (*see* Fig. 6, 600) simply depicts load with "[a]n indicator 602 [that] pivots about a point 603 and swings between endpoints 604 and 605." Such indicator 602 is not "**a line interconnecting the two nodes representing those two network components**." The pivot point 603 ant the endpoints 604 and 605 of Manghirmalani dial meter do not represent network components between which data traffic is flowing. Instead they are simply a pivot and "stops" on a dial.

The Applicant respectfully invites the Examiner to compare what is shown in Manghirmalani Fig. 6 and the Applicants, example embodiments in Fig. 4B and Fig. 4C.

As can be seen, the dial meter shown in Manghirmalani bears little resemblance to the frames depicted by the Applicant.

Accordingly, the Applicant respectfully urges that the combination of Rakoshitz, Battat and Manghirmalani is legally insufficient to make obvious the present claims under 35 U.S.C. §103 because of the absence of the Applicant's claimed novel "***the frame to visually indicate a value of the characteristic of data traffic between two network components with the visual appearance of a line interconnecting the two nodes representing those two network components***" and "***wherein changes in the visual appearance of the line interconnecting the two nodes in successive frames indicate changes in the value of the characteristic of the data traffic between the two network components***."

At pages 7-8 the Final Office Action, claims 4, 6, 22, 24, 40 and 42 were rejected under 35 U.S.C. §103(a) over Rakoshitz in view of Battat, in further view of Manghirmalani, in still further view of Reichert et al., U.S. Patent No. 5,720,022 (hereinafter "Reichert").

At pages 8-9 of the Final Office Action, claims 7, 8, 25, 26, 43, and 44 were rejected under 35 U.S.C. §103(a) over Rakoshitz in view of Battat, in further view of Manghirmalani, in still further view of Tonelli et al., U.S. Patent No. 5,821,937 (hereinafter "Tonelli").

At pages 9-10 of the Final Office Action, claims 10, 11, 28, 29, 46, and 47 were rejected under 35 U.S.C. §103(a) over Rakoshitz in view of Battat, in further view of Manghirmalani, in still further view of Jacoby, U.S. Patent No. 5,768,552 (hereinafter "Jacoby").

At pages 10-11 of the Final Office Action, claims 14, 15, 17, 32, 33, 35, 50, 51, and 53 were rejected under 35 U.S.C. §103(a) over Rakoshitz in view of Battat, in further view of Manghirmalani, in still further view of Reps et al., U.S. Patent No. 6,070,190 (hereinafter "Reps").

At page 12-13 of the Final Office Action, claims 18, 36, and 54 were rejected under 35 U.S.C. §103(a) over Rakoshitz in view of Battat, in further view of Manghirmalani, in still further view of Trcka et al., U.S. Patent No. 6,453,345 (hereinafter "Trcka").

The Applicant notes that these claims are dependent claims that depend from independent claims believed to be allowable for at least the reasons discussed above. Accordingly, these claims are believed to be allowable due to their dependency, as well as for other separate reasons.

In the event that the Examiner deems personal contact desirable in disposition of this case, the Examiner is encouraged to call the undersigned attorney at (617) 951-2500.

In summary, all the independent claims are believed to be in condition for allowance and therefore all dependent claims that depend there from are believed to be in condition for allowance. The Applicant respectfully solicits favorable action.

Please charge any additional fee occasioned by this paper to our Deposit Account No. 03-1237.

Respectfully submitted,

/James A. Blanchette/

James A. Blanchette
Reg. No. 51,477
CESARI AND MCKENNA, LLP
88 Black Falcon Avenue
Boston, MA 02210-2414
(617) 951-2500